Toward Differential Case Management--Predictive Factors and Analysis in Oregon Dissolution Cases

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TOWARD DIFFERENTIAL CASE MANAGEMENT —
PREDICTIVE FACTORS AND ANALYSIS IN
OREGON DISSOLUTION CASES

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I. INTRODUCTION

During the past several decades, public attention has focused
on court delays and their associated costs. Recent studies indicate
that, while there are substantial differences between jurisdictions,
many courts continue to experience substantial delay in processing
cases. Court delay in processing cases is of concern to judges,

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1. Chief Justice Edwin Peterson of the Supreme Court of Oregon requested and
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2. See, e.g., ABA Action Commission to Reduce Court Costs and Delay, ATTACK-
ING LITIGATION COSTS AND DELAY: FINAL REPORT (1984); H. ZEISEL, H. KALVEN,
& B. BUCCHOLZ, DELAY IN THE COURT (1959); Burger, Isn’t There a Better Way?, 68
J.L. Ref. 467 (1983); Sipes, The Journey Toward Delay Reduction in Trial Courts: A Travel-
er’s Report, 6 State Ct. J. 5 (1982); Trotter & Cooper, State Trial Court Delay: Efforts at

3. For example, a study of 25 urban trial courts reports:
Only two courts were close (within 5 percent) to meeting the ABA disposition
time standard that all civil cases be disposed within two years after the complaint
is filed. Seven others had 10 percent or less of their cases over two years old at
disposition. Furthermore, the ABA standards suggest that 90 percent of all civil
cases be disposed within one year of filing. None of the 25 courts met this goal,
and only one was within 10 percent of the standard.

J. Goerdt, C. Lomvardias, G. Gallas, & B. Mahoney, EXAMINING COURT DELAY
xiii (1989) [hereinafter EXAMINING COURT DELAY]. See also T. Church, A. Carlson, J.
Lee, & T. Tan, JUSTICE DELAYED: THE Pace OF LITIGATION IN URBAN TRIAL COURTS
(1978) [hereinafter JUSTICE DELAYED]; B. Mahoney, A. Aikman, P. Casey, V.
court administrators, academics, litigants, and the public.4

A number of these studies indicated the importance of local conditions in determining the speed of case disposition.5 Among these factors are judicial commitments to reducing delay; court management of the pace of litigation from filing to disposition, often with specific scheduling of litigation events; development of standards and goals; the use of monitoring and information systems; and court establishment of firm trial dates with the possibility of continuances, both limited and court-controlled.6 The use of


5. Concern over court delay has led many researchers to consider the causes of delay and methods to eliminate it. Early studies looked at the role of limited resources and formal procedural rules of the courts to explain court delay. Church, The "Old and the New" Conventional Wisdom of Court Delay, 7 Just. Sys. J. 395, 396-98 (1982); Grossman, Kritzer, Bumiller, & McDougal, Measuring the Pace of Civil Litigation in Urban Trial Courts, 65 Judicature 86, 90-91 (1981). Efforts to evaluate these factors as the causes of delay, however, often did not adequately explain differences in case processing times, thus leading researchers to investigate more complex factors. See S. FLANDERS, CASE MANAGEMENT AND COURT MANAGEMENT IN U.S. DISTRICT COURTS (1977); JUSTICE DELAYED, supra note 3.

During the last twenty years these efforts have focused on what may be described as "local legal culture," which emphasizes the importance of informal practices and procedures in the legal system. See, e.g., Church, supra note 5, at 398-404 & 407-08. These studies indicate that "[t]he speed of case disposition is largely determined by the established expectations, practices and informal rules of behavior shared by judges and attorneys, rather than by court size, caseload or trial rate." L. Sipes, A. Carlson, T. Tan, A. Akman & R. Page, Jr., MANAGING TO REDUCE DELAY 5 (1980) [hereinafter MANAGING TO REDUCE DELAY]. Church comments: "These new studies of court delay emphasized individual incentives and stressed the need to examine practices as disparate as bar association polls' impact on judges, case management by courts, and professional courtesy among lawyers." Church, supra note 5, at 400. Lawyer expectations and legal norms are particularly important in the relationship between local legal culture and court delay:

In courts where lawyers control the system, long-standing norms and informal procedures will be the key determinants of the pace of litigation. Rule changes and procedural devices that do not affect either the overall expectation of attorney control or the informal norms and practices will be unlikely to alter the speed at which cases are disposed. Successful case management systems, on the other hand, allow the court to influence all aspects of case progress. This direct, routine intervention forces a change in informal procedures, ultimately affecting expectations and even norms.

Church, supra note 5, at 406.

6. CHANGING TIMES IN TRIAL COURTS, supra note 3; EXAMINING COURT DELAY, supra note 3; MANAGING TO REDUCE DELAY, supra note 5, at 37; M. SOLOMON & D. SOMERLOT, CASEFLOW MANAGEMENT IN THE TRIAL COURT (1987) [hereinafter CASEFLOW MANAGEMENT].
these approaches is referred to as "caseflow management" and is an effective approach to the reduction of court delay.8

Caseflow management systems have usually been superimposed on existing management systems, which treat all cases alike except for broad distinctions such as those between criminal and civil cases.9 Currently, however, increasing attention is focused on the use of differential case management techniques.10 According to this approach, not all cases are treated alike. Rather, court staff separate cases into two or more groups based on their determination of anticipated length and complexity. This determination is made at the time of filing or shortly thereafter, and is based on the information contained in the complaint or upon supplemental information attorneys are required to file with the complaint. Cases that are determined to be simple and not in need of substantial time or judicial involvement are assigned to a track governed by procedures establishing appropriately prompt deadlines. Complex cases that may require considerable time and continuing judicial involvement are assigned to a second track utilizing appropriate case management techniques.11 Thus, differentiated case management systems prescribe that cases be distinguished on the basis of the level of court involvement required.12

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7. For a concise discussion of the concept of caseflow management, see CASEFLOW MANAGEMENT, supra note 6, at 3-4.

8. See generally CASEFLOW MANAGEMENT, supra note 6; CHANGING TIMES IN TRIAL COURTS, supra note 3; EXAMINING COURT DELAY, supra note 3; MANAGING TO REDUCE DELAY, supra note 5, at 37. Other recent studies of factors affecting case disposition times include: Fleming, Nardulli, & Eisenstein, The Timing of Justice in Felony Trial Courts, 9 LAW & POL'Y 179 (1987) (empirical model based on data of criminal cases from nine courts); Luskin & Luskin, Case Processing Times in Three Courts, 9 LAW & POL'Y 207 (1987) (comparing factors affecting case disposition times in criminal cases in three court systems).


10. "Differential case management (DCM) is the most recent, and possibly the most promising, development in courts' continuing efforts to reduce delay, assure equal access to services and resolve cases justly and efficiently." Id. at 17. See also CASEFLOW MANAGEMENT, supra note 6, at 14-15.

11. See, e.g., CASEFLOW MANAGEMENT, supra note 6, at 59-63 (listing selected rules approved by the New Jersey Supreme Court for use in a study of differentiated civil case management in Bergen County, New Jersey).

12. Bakke & Solomon, supra note 9, at 18-19. Bakke and Solomon point out that: It is important to keep in mind that differential case management is a program for managing all cases, not simply those that will require trial. By early analysis of each case, events and deadlines can be tailored to the case to facilitate the type and timing of a disposition appropriate to the case.
Differential case management is an important step forward in the development of efficient caseflow management techniques. Much more research needs to be done, however. Bakke and Solomon state that "[t]here are clear indications of positive results from use of differential case management but there is much to learn about it. Chief among the outstanding questions [is]: What . . . factors . . . really determine the appropriate amount of time and resources for disposition of various cases?" 

This Article identifies some factors that appear to play a role in the time required to dispose of dissolution cases in Lane County, Oregon, and suggests further research that could usefully be undertaken. This Article reports on a study which the authors conducted to explore the hypothesis that underlies differential case management. That hypothesis is that it is possible to predict at the time a case is filed, or shortly thereafter, how long that case will take until resolution. If it is possible to make this determination, presiding judges and court administrators can use this information to manage cases more efficiently and reduce court delay. This study, therefore, explores the question of whether one can predict at the beginning of a case how long it will take to be resolved.

II. The Nature of the Study

To examine this question, the authors conducted a study of dissolution cases in Oregon. Some jurisdictions outside Oregon use a "differentiated" system for dissolution cases in the sense that they require these cases to be filed in separate family courts. The ability to distinguish between long and short dissolution cases at

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Bakke & Solomon, supra note 9, at 20.
14. Bakke & Solomon, supra note 9, at 21; see also CASEFLOW MANAGEMENT, supra note 6, at 15.
16. For an explanation of "differentiated" systems, see supra text accompanying notes 10-12.
the time of filing could be used to institute more refined differential case management systems. Dissolution cases pose a particular challenge because some of the factors that may affect case processing times involve emotional issues, making quantification difficult. Once they are identified, quantifiable factors could be used to predict dissolution case processing times and thus to demonstrate the utility of differential case management.

This study identifies quantifiable factors that can be used to explain why some dissolution cases are resolved sooner than others; tests the predictability of those factors; and identifies additional factors affecting case disposition time by retrospectively studying a sample of closed domestic relations cases.

First, to gain a preliminary sense of the factors affecting the time needed to resolve dissolution cases, the authors sought the opinions of experienced domestic relations attorneys. Their opinions, as well as the relevant academic literature, are discussed in Section III.

Second, the authors conducted an empirical study of closed domestic relations cases in the Second Judicial District.17 This segment of the research was designed to determine whether information commonly found in court records could be used to predict whether a particular divorce case would proceed quickly or would experience delay prior to the issuance of a final decree. The results of the study are contained in Section IV.

Finally, the authors examined the feasibility of developing a case factor model for the treatment of domestic relations cases in Oregon. A successful case factor model would enable court administrators to assess the likely disposition time of a dissolution action by determining the presence or absence of certain factors. The ability to predict the time likely to be required to dispose of an action would assist court administrators in assigning cases and managing dockets under a differential case management approach. The case factor model is discussed in Section V.

III. ATTORNEY OPINIONS OF FACTORS AFFECTING THE TIME NEEDED TO RESOLVE DISSOLUTION CASES

To determine whether quantifiable factors could be used to estimate case disposition times in dissolution cases, the authors

17. This judicial district includes Lane County, Oregon.
mailed an inquiry to 220 members of the Family Law Section of the Oregon State Bar. This letter was an open-ended request that the attorneys indicate what, if any, factors they believed might predict processing times in dissolution cases.\(^{18}\) Thirty-four attorneys and one judge responded to the inquiry.\(^{19}\)

The attorneys identified several factors that are readily quantifiable, including the length of marriage and the presence of children. Other factors the attorneys believed to be determinative may also be quantifiable, but with greater difficulty. These factors included the extent and nature of marital assets. The attorneys also indicated that other factors were important in determining the time needed to resolve a dissolution action. These factors included the emotional readiness of the parties for divorce and the personalities of the attorneys representing the parties, which may be difficult or impossible to measure. The attorneys' responses generally agreed regarding the likely effect of some factors but were in contradiction on other factors.

The two factors most frequently mentioned by the attorneys were the personalities and emotional disposition of the parties and the personalities and attitudes of the attorneys involved. The comments about the parties' emotional attitude indicate that, although the Legislature has removed the concept of fault from legal consideration,\(^{20}\) fault still plays an important role in dissolution cases. Several attorneys indicated that they believed settlements were delayed or that trials became necessary because one spouse sought

\(^{18}\) The letter stated, in part:

When do cases settle? Why don't cases settle? Are there factors that can be identified by looking at the pleadings, or otherwise, that would enable courts to spot cases that likely will settle? Such cases could then be set for a settlement conference or given special treatment to facilitate settlement as early in the litigation process as is practicable.

We hope that you will take the time to let us know what factors you believe are helpful in predicting whether and when a dissolution case will settle. We are most interested in factors that are recorded in documents filed with the court as part of the dissolution proceedings — such factors might include length of marriage, number of children, and so forth. While we are interested primarily in factors that would be found in the case file, we are also interested in learning other factors that you believe influence case disposition time.

\(^{19}\) Although the authors sought broad input, they did not attempt at this stage to survey scientifically. The information presented in Part III is anecdotal in nature and may not necessarily be representative of the opinion of other Oregon attorneys. Copies of the letters from attorneys are on file with Professor Michael B. Wise at Willamette University College of Law.

\(^{20}\) See supra note 15.
to hurt the other, or was unwilling to let the other spouse start a new life.\textsuperscript{21} Others suggested that the belief of having been wronged contributed to an unwillingness to resolve disputes.\textsuperscript{22}

Several attorneys commented more generally about the mental readiness of the parties to divorce and the need for sufficient time to reach such a state.\textsuperscript{23} Some took exception with what they believed was an underlying premise of the study, namely that a quicker dissolution was necessarily better.\textsuperscript{24} These attorneys believed that, until a party was psychologically ready to divorce, that party could not effectively evaluate settlement options; a premature settlement, they asserted, often leads to a party's subsequent displeasure with the decree and results in further litigation. This view is supported by an author who has observed, "it does little good to be awarded a whopping settlement if the other spouse, understandably resentful and antagonistic, will not abide by the provisions."\textsuperscript{25}

Paralleling a growing awareness of the social importance of enforcing child and spousal support agreements, the federal government and many state legislatures have enacted statutes designed to aid in the enforcement of support agreements.\textsuperscript{26} Prior to the passage of these statutes, the statistics on the enforcement of settlement provisions regarding child support\textsuperscript{27} and alimony\textsuperscript{28} bore

\begin{flushleft}
\textsuperscript{21} Recrimination and vindictiveness between spouses has been suggested as a cause not only of protracted divorce contests, but also of the deliberate choice for lengthy dispute resolution processes like litigation rather than swifter forms like negotiation. Mmookin & Kornhauser, \textit{Bargaining in the Shadow of the Law: The Case of Divorce}, 88 \textit{Yale L.J.} 950, 974-75 (1979).

\textsuperscript{22} Some commentators suggest that particularly combative parties should seek psychotherapy to help achieve the proper state of emotional readiness before beginning the divorce process. Winks, \textit{Divorce Mediation: A Nonadversary Procedure for the No-Fault Divorce}, 19 \textit{J. Fam. L.} 615, 644 (1980-81).

\textsuperscript{23} Winks observes:

Although the parties may have already agreed in general on the course of action, the actual decision to divorce is nearly always initiated by one party alone. Since the other must "catch up" emotionally, the two do not arrive at the lawyers [sic] office in the same state of readiness.

\textit{Id.} at 636 (footnote omitted).

\textsuperscript{24} This sentiment is echoed by the suggestion that the process of an involved and emotionally draining adjudicatory process might actually help the parties to achieve some sense of finality to both the marriage and the divorce. Elkin, \textit{Postdivorce Counseling in a Conciliation Court}, 1 \textit{J. Divorce} 55, 62 (1977).

\textsuperscript{25} Winks, \textit{supra} note 23, at 639.


\textsuperscript{27} For a recent discussion, see Krause, \textit{Child Support Reassessed: Limits of Private
witness to the frequency with which such orders were disregarded.

Many of the attorneys expressed the view that the attitudes and personalities of the attorneys involved in dissolution cases are a significant factor contributing to the time required to resolve the matter. As one stated, "the single best indicator is which attorney is working on the case." Another respondent elaborated: "The clue to how a case will proceed is the attorneys involved. When I receive an answer from certain attorneys, I can predict with reasonable certainty a long, expensive process for the parties. With other attorneys, I can predict a short negotiation period ending with a fair settlement." Several of the comments were more specific regarding the effect of personalities on resolution times. Some respondents mentioned that it was important that a domestic relations attorney not give unrealistic expectations to the client; others stated that it was important that an attorney be willing to temper the emotions of the client. A number of the respondents indicated that the competence and experience of their opposing counsel was very important. Experienced attorneys were perceived to know the likely range of outcomes in their clients' cases and to be willing to settle accordingly.

These difficult-to-quantify factors are not likely to appear on the face of court records. The attorneys also mentioned a number of factors that they believed would be related to the time required to resolve a dissolution suit, but that also could be studied statistically. Several attorneys indicated that if both parties to the marriage had few assets, the suit would be resolved more quickly. Several observed that if the marital assets were difficult to evaluate — as would be the case with a privately owned business or professional practice or with marital assets that were difficult to dis-


29. The impact of the personal characteristics and negotiating styles of both client and lawyer on negotiating effectiveness has been the source of a great deal of contemporary analysis, including the characterisation of different personality types and negotiating styles. G. Williams, Legal Negotiation & Settlement 18 (1983).

30. Similar comments have been noted in other studies, as have the potentially deleterious effect of overly competitive negotiating styles. Id. at 24.

31. The role of the attorney in asserting a calming influence over a client has long been recognized in most negotiation and settlement situations. See D. Rosenthal, Lawyer and Client: Who's in Charge? 110 (1974).

32. See Annotation, Divorce and Separation: Goodwill in Accounting Practice as Prop-
cover — the dissolution would be delayed.

The attorneys' views differed as to the effect of the duration of the marriage on the length of time of case disposition. Several mentioned that short-term marriages would be resolved more quickly than longer marriages. Others believed, however, that the length of the marriage would make little difference. One attorney stated that the key determining factor was whether the parties disagreed on the proper characterization of the length of the marriage.

While several attorneys indicated that the presence of children in the marriage, particularly younger children, would lengthen the dissolution process, some disagreed, and said that the presence of children did not affect the speed of the dissolution. Several stated that if a temporary custody motion was filed or if there were other

33. Oregon case law requires that property division in the dissolution of short-term marriages should attempt to restore the parties, as nearly as possible, to the financial position they would have held had no marriage taken place.

If the marriage is terminated before the parties' financial affairs become commingled or committed to the needs of children to the point that the parties cannot readily be restored to their pre-marital situations, then property division is a relatively simple task in the nature of a recission. See York and York, 30 Or. App. 32, 569 P.2d 937, 940 (1977). That, rather than any specific number of months or years, is what we mean by a "short-term marriage." Jenks and Jenks, 294 Or. 236, 242, 565 P.2d 286, 290 (1982).

34. In Oregon, the distinction between "short-term" and "long-term" marriages has important legal consequences. In "long-term" marriages there is a statutory presumption of equality of contribution to the acquisition of marital assets which requires an equitable division of the assets. ORS 107.105(1)(e) (1989). Given the rather non-mathematical test for determining whether the marriage will be treated as "short-term" or "long-term," see supra note 33, borderline cases might tend to invite litigation. Jenks & Jenks, 294 Or. 236, 241, 565 P.2d 286, 289-90 (1982); Grove & Grove, 280 Or. 341, 346, 571 P.2d 477, 482, reh'g denied and modified, 280 Or. 769, 772 P.2d 1320 (1977).

indications of an actual custody dispute, the action would be further protracted. A number of attorneys believed that any allegation of child abuse or neglect would almost certainly result in non-settlement of the case. This observation is consistent with the generally increased public concern regarding the detection and prevention of child neglect and abuse.\textsuperscript{36}

Child and spousal support issues were the final quantifiable factors mentioned by the attorneys as affecting disposition time. A number indicated that if a party was seeking spousal support, the process would be lengthened. Several thought that the presence of temporary support orders would indicate that the dissolution process would be longer. Others suggested that a history of voluntary support payments would imply a quicker settlement.

The attorneys' comments suggest that many non-quantifiable factors may also strongly influence the time required to resolve a dissolution case. These factors would include the personality and emotional state of the parties, and the personalities of the attorneys involved.

No clear consensus emerged regarding more quantifiable factors which the attorneys believed would predict delay. Several factors, however, were mentioned by a number of attorneys. These include the experience of the attorneys involved, the presence or absence of children in the marriage, evidence of a custody dispute, evidence of a dispute over the amount of assets or debts in the marriage, and the length of the marriage. In the following sections, the authors evaluate these and other factors for which data were available and which may be useful in developing a model to predict the length of dissolution cases from the filing of the petition to the granting of the decree.

IV. Analysis of Court Records

In addition to testing the predictive usefulness of the factors identified by the lawyers, the authors looked for predictive factors by analyzing a random selection of closed domestic relation cases from Lane County.\textsuperscript{37} The research focused on information cur-

\textsuperscript{36} See, e.g., ORS 418.189 and 418.195 (1989).

\textsuperscript{37} Lane County is located in western Oregon halfway between the Washington and California borders. Its population is 273,700 and its largest city is Eugene which, with a
rently contained in court records. Since the court does not collect
data for the purpose of determining the anticipated length of the
dissolution proceeding, the available data was seriously limited. For
example, the pleadings in dissolution suits may be very general in
nature. Often they merely state the minimal relevant data of the
marriage: the parties, the date of the marriage, and the children of
the marriage, if any. These pleadings generally recite that the mar-
rriage is irretrievably broken, ask for an equitable distribution of
property and debts, and request custody or reasonable visitation.
Pleadings, however, give little insight, for example, into whether
there is substantial property, or whether the property will be diffi-
cult to value. Neither do the pleadings indicate whether the cus-
tody of the children is actually in dispute or whether custody is
only being requested as a negotiating point.

Another limitation on the value of the data found in the court
documents is that documents filed early in a dissolution action
often provide very little information concerning the wages, assets,
and liabilities of the parties. The authors initially believed that the
Uniform Support Affidavit (Affidavit) would be valuable because it
contains information about the financial status of both petitioner
and respondent. 38 Because the Oregon Uniform Court Rules only
require filing an Affidavit when spousal or child support is actually
at issue, 39 only a relatively small percentage of the court cases sam-
ped contained an Affidavit. 40 The Uniform Rules also require only
that the Affidavit be filed fourteen days before the trial of the sup-
port issue. In the absence of a request for temporary support, a
filing would not be mandated until very near the end of the dissolu-
tion process. 41 Therefore, for most cases, financial information is
simply not available to the court system at a date early enough to
be useful in predicting delay. Of course, the court could implement
rules requiring that parties submit basic financial and family informa-
tion on standard forms when they file their first pleadings. This

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38. The content of the Uniform Support Affidavit (Affidavit) is prescribed in ORE-
GON UNIFORM TRIAL COURT RULES, Appendix of Forms, at 50.10-50.16 (1989). The
Uniform Support Affidavit requires detailed personal and family information, particularly
regarding monthly income and expenses. Both the petitioner and the respondent are
required to file the form.

40. Only 16% of the files evaluated included an Affidavit.
approach is used in some jurisdictions that have implemented a differential case management system.\footnote{Bakke & Solomon, supra note 9, at 19.}

The random sample of closed domestic relations cases from Lane County consisted of 314 dissolution cases which terminated between July 1, 1986, and July 1, 1987.\footnote{During this time period Lane County did not have a mediation program for cases involving child custody disputes. ORS 107.755 to 107.795 (1989) provide that the circuit court in a judicial district may provide mediation services for child custody and visitation disputes but does not require them to do so. At present, Lane County has adopted a custody mediation program. Second Judicial Circuit Local Rule 8.092 (1989). In Lane County, the Local Rules try to ensure that cases referred to mediation are scheduled for trial, if that is necessary, with the same priority as if no mediation had taken place. Local Rule 8.094(6) and (7).} The sample included 23 summary dissolution proceedings.\footnote{ORS 107.485 to 107.500 (1989) establish procedures for summary dissolution if, among other requirements: there are no minor children; the marriage is of less than ten years duration; neither spouse owns real property; debts do not exceed $15,000; the value of personal property does not exceed $30,000, and the petitioning spouse waives any claim to spousal support. ORS 107.500 (1989) includes forms for the petition for dissolution, the summons, the proof of service, a motion for waiver of fees, a motion and order for default decree of summary dissolution.} Forty-seven cases in the sample were not terminated by entry of a decree of dissolution and, of these, 26 cases were dismissed for want of prosecution.\footnote{For these cases an average of 315 days elapsed between filing and dismissal for want of prosecution.} Of these 26 cases, ten were dismissed after the parties formally informed the court that they had reconciled, three were dismissed on the motion of the petitioner without explanation, and two were dismissed by stipulated order.\footnote{Decrees were not entered in the remaining six cases for a variety of reasons, including transfer to another venue and dismissal for lack of subject matter jurisdiction.} Only eleven cases in the sample went to trial.\footnote{Trials, of course, naturally delay the disposition process. In the sample, these cases took an average of 356 days for a decree to be entered. Eleven cases, however, is not a sufficient sample to attempt to analyze why trials are held in some dissolution actions. Future studies might oversample such cases in order to understand the factors that lead to trial.}

The authors prepared a data collection instrument\footnote{It is possible to make some anecdotal observations about these eleven cases. For example, a Uniform Support Affidavit was filed in each of the cases indicating that an issue of either spousal or child support was at issue. Coders concluded from examining the case files that nine of the cases included disputes over the amount or value of assets. Three of these nine cases also involved disputes over the debts of the parties.} that would be used to collect a wide range of factual information, in-
cluding economic and social factors which would appear in the Uniform Support Affidavits, if they were present. The data collection was carried out by former employees of the clerk's office in Lane County. Because the authors were able to utilize experienced court personnel, they also asked the assistants to make some evaluative judgments of the case files that they examined. For example, the assistants were asked to determine whether, based on their experience, there was anything in the files that indicated a dispute over the amount or value of the assets or debts involved in the marriage.

A. Personality and Emotional State of the Parties

Many attorneys identified the personality of the parties and their emotional readiness for the divorce as a prime factor affecting the time needed to enter a decree.49 Court records, with rare exception, do not provide information on the personality or emotional state of the parties. It was impossible to evaluate these factors in the study or to utilize them in the model.

B. Personality and Experience of the Attorneys

Some attorneys suggested that the personality and the experience of the attorney were factors in the time it took for a case to move to the decree.50 Here, too, court records were silent about the personality of the attorneys representing the parties. Therefore, it was impossible to evaluate the personalities of the attorneys in the study from those records.

The only data available in court records related to attorney experience is the attorney's Oregon State Bar number, which identifies attorneys and the year they were admitted to the Oregon bar. The attorney's bar number offers a possible source for empirical examination for two reasons. First, the number of years since admission to the Oregon Bar can be calculated and used as a rough estimate of experience; this information can be compared with case disposition times. Second, by cross referencing case disposition times with attorney bar numbers, it is possible to examine whether certain attorneys are more likely to be associated with long cases.

This approach is not ideal as an estimator of attorney experience because some attorneys may have had previous experience in

49. See supra text accompanying notes 23-28.
50. See supra text accompanying notes 32-34.
another state before being admitted to the Oregon Bar; that information would not be reflected in the bar number. Moreover, nothing in the bar number indicates whether an attorney focuses on domestic relations cases; some attorneys who have been practicing for a number of years may have little experience with dissolution cases. With these limitations in mind, it was possible to determine the bar number of the last attorney of record in 201 cases for petitioners and 82 cases for respondents.

The results of this analysis were surprising. Attorney bar number was one of the important variables in explaining the variance in delay for the cases in the sample. Specifically, the more recently an attorney was admitted to the bar, the more likely the case was delayed. The correlation between bar number and delay was .13 for petitioner’s attorney (modest but statistically significant; p > .05) and .30 for respondent’s attorney (p = .007). The trends in the data were the same for both petitioner’s attorney and respondent’s attorney. In both cases lower bar numbers were associated with a quicker disposition of a case, while higher bar numbers are often associated with longer disposition times.

The authors further examined this relationship by locating a cut-off point that separated the attorneys into two groups, more experienced and less experienced, based on their delay time. We found that a bar entry in the year 1976 represented a crucial dividing point for increased delay times. It should be noted that the bulk of the above-average delay times occurred in cases where attorneys had begun practicing in Oregon between 1973 and 1984. Thus,

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51. In this preliminary study, only the bar number of the last attorney of record for a party was entered. In a case where a party was represented by more than one attorney, the entire time period needed to enter a decree was attributed to the last attorney.

52. The number of both petitioner’s and respondent’s attorneys’ bar numbers available to the authors for study is substantially less than the total number of 314 cases surveyed for a number of reasons. First, 23 of the cases were summary dissolution proceedings, proceedings designed to operate without attorneys. Each petitioner in the summary cases proceeded pro se, one respondent appeared pro se, and the remaining respondents did not appear at all. Second, an additional 90 petitioners in non-summary actions appeared pro se. Thirty-four respondents in non-summary cases appeared pro se and 175 respondents in non-summary cases neither appeared pro se nor through counsel.

53. P is a measure of probability. For example, a value of p = .007 indicates that the probability of getting this result by chance when no real relationship exists is seven in 1000.

54. The first two digits of the Oregon Bar number are the same as the last two digits of the year of admission to the state Bar. Consequently, the lower the Bar number, the longer an attorney has practiced law in Oregon.
some of the attorneys in the less experienced group had themselves been practicing as long as twelve years. Nonetheless, choosing an attorney from the less experienced post-1976 group was associated with an average increase of 31 days in case processing time for petitioners' attorneys \( (p = .09)^{55} \) and an average increase of 75 days for respondents' attorneys \( (p = .04) \).

The cut-off point varied between petitioners' attorneys and respondents' attorneys. The less experienced petitioners' attorneys were more likely to take longer from response to decree than the more experienced attorneys. The less experienced respondents' attorneys were more likely to take longer to respond to petitioners' filings than their more experienced colleagues.

The authors also examined this relationship by analyzing those cases in which the bar number of both the petitioner's and the respondent's attorneys could be determined. Only 53 cases contained both sets of information.\(^{56}\) The authors then examined those situations in which both attorneys were more experienced, in which both were less experienced, and in which more experienced and less experienced attorneys were matched. An analysis of variance was conducted on these groups which indicated there was a significant difference \( (p = .05) \) between these groups in the average delay time. The difference between cases in which both attorneys were more experienced and those in which both attorneys were less experienced was associated with an average of 73 days less delay.\(^{57}\)

The authors also examined the number of times a particular attorney was represented in our data, hypothesizing that attorneys who appear frequently may have been individuals who specialize in dissolution cases. The results showed little difference in delay time associated with the number of times an attorney appeared in the data, until the number of appearances was five or more. For attorneys who appeared five or more times in the data, the average disposition time was considerably less than with other attorneys. In those cases, a decree was entered in an average of 114 days com-

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55. This is included in the analysis even though it is somewhat outside the established level of significance \( (p = .05) \).

56. Many cases in which both parties were represented by an attorney dropped out of the analysis because the case did not end with a decree of dissolution, e.g., the parties reconciled and dismissed the action.

57. Caution, however, is in order, since this is based on only 53 cases in which the data is complete. Nonetheless, these results are consistent with the results using 200 cases, which indicate greater delay time associated with attorneys with less experience before the bar.
pared to an average of 178 days for the other attorneys (p = .001). Note, however, that it is also possible that the shorter time periods associated with attorneys with five or more cases reflected the simplicity of the cases, and not the expertise of the attorneys.\textsuperscript{58}

The authors also observed another strongly predictive relationship between attorneys and case processing times: whether the parties are represented by counsel. Cases in which the parties were not represented by attorneys were resolved more quickly than cases in which one or more attorneys were involved. This does not necessarily mean that attorneys are the cause of greater delay. Rather, it suggests that parties may not seek the aid of attorneys when there are no difficult issues to be resolved, such as cases without unresolved custody, or contested division of property. Attorneys are likely to be involved when the parties believe that substantial interests are involved and when they disagree. Table I presents the various representation patterns found in the sample and the mean number of days until entry of a decree for each type of representation.

<table>
<thead>
<tr>
<th>Type of Representation</th>
<th>Mean Days Pet. to Decree</th>
<th>N of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Both Pet. and Resp. by attorney</td>
<td>225</td>
<td>68</td>
</tr>
<tr>
<td>2. Pet. by attorney Resp. \textit{pro se}</td>
<td>167</td>
<td>8</td>
</tr>
<tr>
<td>3. Pet. by attorney Resp. no appearance</td>
<td>137</td>
<td>125</td>
</tr>
<tr>
<td>4. Pet. \textit{pro se} Resp. by attorney</td>
<td>221</td>
<td>9</td>
</tr>
<tr>
<td>5. Pet. \textit{pro se} Resp. \textit{pro se}</td>
<td>100</td>
<td>11</td>
</tr>
<tr>
<td>6. Pet. \textit{pro se} Resp. no appearance</td>
<td>132</td>
<td>22</td>
</tr>
</tbody>
</table>

Further analysis of this data indicates that the cases could more usefully be grouped into three broad categories. The first group consists of all of those cases in which the respondent was

\textsuperscript{58} One attorney, for example, who was admitted to the Oregon State Bar in 1983, appears in the sample in twelve cases in which the attorney is recorded as representing both the petitioner and the respondent. The average disposition time of these cases was only 78 days. In only one of these cases were minor children present.
represented by an attorney regardless of whether the petitioner was represented by an attorney. The fact that the respondent in the case had chosen to retain an attorney may be an indicator of dispute, or of fear of dispute. The second group consists of those cases in which the petitioner alone was represented by an attorney, without regard to whether the respondent appeared pro se or failed to appear. The third group includes cases in which neither party was represented by an attorney without regard to whether the respondent appeared. The relationship between these categories and the average time until entry of a decree is illustrated in Table II.

### TABLE II

<table>
<thead>
<tr>
<th>Category of Representation</th>
<th>Mean Days Pet. to Decree</th>
<th>N of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Respondent represented by attorney</td>
<td>225</td>
<td>78</td>
</tr>
<tr>
<td>2. Petitioner alone represented by attorney</td>
<td>139</td>
<td>133</td>
</tr>
<tr>
<td>3. Neither party represented by attorney</td>
<td>112</td>
<td>33</td>
</tr>
</tbody>
</table>

Representation of the respondent by an attorney is clearly associated with the greatest delay. The relationships in Table II are statistically significant (p < .0001). The authors found these relationships to be useful in constructing a case delay model as discussed in Part V.

C. Presence or Absence of Children and Custody Disputes

Many of the attorneys who responded to the questionnaire suggested that the presence of minor children in a marriage would be associated with a longer disposition time. Intuitively, this appears reasonable because the presence of children is a necessary precondition for a custody or child support dispute. Nevertheless, several attorneys suggested that the presence of children in the marriage would not be useful in predicting delay.

The analysis of the cases in the sample indicates that the presence of children in the marriage was strongly associated with longer periods of time from filing to entry of a decree of dissolution (p < .001). Cases in which there were minor children present took, on average, 55 days longer from filing to decree than those cases

59. See supra text accompanying note 35.
60. See supra text accompanying note 35.
where there were no minor children in the marriage. Table III describes this relationship.

| Minor children present | 124 | 191 |
| Minor children absent  | 138 | 136 |

One of the most obvious causes of delay in a divorce case is a dispute over custody. Court records do not give a clear-cut indication of custody disputes. Either party seeking custody of minor children of the marriage must formally request that the court award custody to the party. Many of the responding attorneys suggested that the formal act of requesting custody was not always a good indicator of custody disputes because the issue of custody could be raised for tactical or strategic reasons. Nonetheless, the act of requesting custody by either side was an excellent indicator of a lengthier process. About 37% of all cases in the sample involved custody claims.

In 83% of the cases where minor children were present, the petitioner was the one requesting custody. Because the petitioner was the mother in two-thirds of these cases, the majority of custody cases involved mothers petitioning the court for divorce and seeking custody.

The relationship between the parties requesting custody and the average length of time from filing to decree are set out in Table IV.
TABLE IV
PARTY REQUESTING CUSTODY AND DISPOSITION TIME

<table>
<thead>
<tr>
<th>Type of case</th>
<th>N of Cases</th>
<th>Mean Days:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All cases that end with a decree</td>
<td>263</td>
<td>150</td>
</tr>
<tr>
<td>Plaintiff alone requests custody</td>
<td>77</td>
<td>182</td>
</tr>
<tr>
<td>Respondent alone requests custody</td>
<td>5</td>
<td>86</td>
</tr>
<tr>
<td>Both request custody</td>
<td>14</td>
<td>290</td>
</tr>
<tr>
<td>Joint custody requested</td>
<td>16 61</td>
<td>176 62</td>
</tr>
</tbody>
</table>

61 This Table contains information on the nature of the custody requests for only 112 cases although there are 124 cases in the sample in which minor children were present. The twelve missing cases represent either cases in which data was missing or cases in which there was an anomalous request, e.g., petitioner requests that respondent have custody, or petitioner requests that the court determines custody.

62 Length of marriage played an important role in joint custody cases — opposite of its overall weak influence (see Table VIII infra, and accompanying text). Longer marriages (12+ years) that had joint custody claims took a very short time to settle (92 days). In cases where only the petitioner requested custody, the longer (12+ years) and the shorter marriages (under 3 years) produced the longest delays (mean=200 days).

The greatest delay occurred when minor children were present and both petitioner and respondent sought custody. Although the attorneys surveyed believed that the act of requesting custody did not in itself always indicate a custody dispute, the data suggests that when both spouses requested custody the process was considerably lengthened.63

The influence of the parties’ gender on case disposition times was also examined. The data revealed that the disposition time from filing to decree when only the petitioner requests custody (the vast bulk of the cases) was not influenced by whether the petitioner was the husband or the wife.

D. Financial Disputes

That disputes over financial matters delay the resolution of divorce cases is well known. Many of the attorneys we contacted stressed that disputes over assets or debts, and particularly over the proper valuation of assets, were closely related to delay.64 The important question was whether the court records contained any clear indicators of this type of dispute, so that it could be used to predict delay. Several indicators emerged as predictive, but were of limited value.

63. 290 days compared to an average of 150 days.
64. See supra text accompanying note 32.
The most important source of information on financial disputes was the Uniform Support Affidavit. As noted above, however, Uniform Support Affidavits, which are required only when spousal or child support is an issue, were filed in only 51 of the sampled cases. The relatively low incidence of filing the Affidavit limits the court's ability to use it as a general source of information.

The analysis can be retrospective because the study was of closed cases; consequently, the act of filing the Uniform Support Affidavit is itself a good indicator of delay. Those cases in which the Affidavit was filed averaged 236 days from filing to decree, compared with an average of 142 days for those cases in which it was not filed. This fact is of little assistance, however, in constructing a model to predict which cases will have a long disposition time; the Uniform Support Affidavit is not required to be filed until 14 days before the trial of the spousal or child support issue.

The information contained in the Uniform Support Affidavit, as it is currently used, is not available at an appropriately early stage of the litigation to be of use in a model predicting case disposition time. Nonetheless, the authors did analyze data contained in the Affidavit. Petitioner's gross income was the most important indicator of delay in disposition time in the Uniform Support Affidavit. This relationship is demonstrated in Table V.

**TABLE V**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>N of Cases</th>
<th>Mean Days to Decree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pet. gross under $1000/m</td>
<td>6</td>
<td>187</td>
</tr>
<tr>
<td>Pet. gross $1000-$2000/m</td>
<td>9</td>
<td>209</td>
</tr>
<tr>
<td>Pet. gross $2000-4500/m</td>
<td>13</td>
<td>300</td>
</tr>
<tr>
<td>p=.001</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Petitioner's gross income had the greatest impact when it exceeded $2000 per month. In these cases the delay in entry of a decree was twice the average disposition time for all cases. As discussed in Part V, the possible usefulness of factors like gross income in predicting delay in case disposition times suggests that it might be useful to require the petitioner and respondent to submit financial informa-

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65. The Uniform Support Affidavit is discussed at supra note 38.

66. Based on the authors' observations, requiring that both petitioners and respondents submit basic financial information at the beginning of the case would facilitate development of a differentiated case management system for dissolution cases.
tion at the commencement of the litigation. Some differential case management systems do require parties to submit additional information at the outset of the litigation.\footnote{See supra text accompanying note 42.}

In a further effort to study the effect of financial disputes on delay, data collectors examined the existing records in each case and searched for any evidence that in their opinion indicated a dispute over either assets or debts.\footnote{Because these coders were former employees of the court system, this indicator represents the ability of such employees to make a subjective estimate of financial disputes.} The results are reflected in Table VI.

**TABLE VI**

**EVIDENCE OF FINANCIAL DISPUTES**

<table>
<thead>
<tr>
<th>Type of case</th>
<th>N of Cases</th>
<th>Means Days to Decree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence of dispute over assets</td>
<td>29</td>
<td>249</td>
</tr>
<tr>
<td>Evidence of dispute over debts</td>
<td>17</td>
<td>242</td>
</tr>
<tr>
<td>Evidence of dispute over both assets and debts</td>
<td>14</td>
<td>245</td>
</tr>
</tbody>
</table>

The data collectors were able to make a subjective estimate of dispute over financial matters and these estimates accurately predicted delay in the disposition process. This subjective process, however, was no better at predicting delay than a more simple indicator, the presence of the Uniform Support Affidavit. Additionally, the subjective evaluation of the data collectors was retrospective over the entire case file. To be useful in prognosticating delay in disposition time, court personnel would have to predict financial disputes from those records that would be available at an early stage of a dissolution action. Very little of this information is available at that time. Nevertheless, some existing differential case management systems do use the experience of court personnel to make early determinations of case complexity.\footnote{E.g., Bakke & Solomon, supra note 9, at 18-20.}

**E. Temporary Support Orders**

Several attorneys suggested that another possible indicator of delay might be the presence of a temporary support order for either child support or spousal support. The data reflects that the presence of such an order did indicate delay, since the average of all cases was about 150 days. This relationship is demonstrated in Ta-
ble VII. Such orders, however, are relatively rare.\textsuperscript{70}

\begin{center}
\textbf{TABLE VII}
\textbf{TEMPORARY SUPPORT ORDERS}
\begin{tabular}{|l|c|c|}
\hline
\textbf{Type of case} & \textbf{N of Cases} & \textbf{Mean Days to Decree} \\
\hline
Temporary spousal support & 16 & 258 \\
Temporary child support & 23 & 254 \\
\hline
\end{tabular}
\end{center}

\textbf{F. Length of Marriage}

The responding attorneys were divided over whether the length of a marriage would be predictive of case disposition time. All cases list length of marriage; this represents a clear and easily identifiable indicator if it contributes to delay. Length of marriage had little effect until couples have been married over 12 years. As illustrated in Part V, length of marriage had only a modest influence in a predictive model. The data is identified in Table VIII.

\begin{center}
\textbf{TABLE VIII}
\textbf{LENGTH OF MARRIAGE AND DISPOSITION TIME}
\begin{tabular}{|l|c|c|}
\hline
\textbf{Type of case} & \textbf{N of Cases} & \textbf{Mean Days to Decree} \\
\hline
Married under 3 yrs & 67 & 157 \\
Married 3-7 yrs & 99 & 156 \\
Married 7-12 yrs & 44 & 145 \\
Married over 12 yrs & 52 & 190\textsuperscript{71} \\
\hline
\end{tabular}
\end{center}

This section examined the relationship between the length of time from case filing to case disposition. It also examined the various explanatory factors identified by Oregon practitioners for which some empirical measurement existed. Section V develops a model which may be used to differentiate cases based on their likely disposition times.

\textbf{V. Regression Analysis and Case Factor Model}

One goal of the study was to determine whether the data found in court records could be used to develop a model predicting delay in domestic relations cases. A regression approach is appropriate because it allows the development of a relatively efficient model for predicting delay and explaining the variance in delay

\textsuperscript{70} As Table VII indicates, in the sample, temporary spousal support orders were entered in only 16 cases and temporary child support orders were entered in only 23 cases.  
\textsuperscript{71} Statistically significant (p. < .05).
times. It was clear from the outset that the model would be limited because only variables that were present in the court records could be assessed. To examine the question of delay more fully would have required the examination of data not found in the court records; this was outside the scope of this study.

Three standards were applied to the selection of variables that should be included in a model predicting delay:

1) The variable should have a significant correlation with delay times.

2) The variable should be conceptually useful and timely. It made no sense to include a variable such as the action of filing or of not filing a Uniform Support Affidavit, regardless of how predictive of delay, when such actions occur so late in the process as to be of little practical value.

3) The variable should apply to a large number of cases. Some variables, like the awarding of temporary spousal support, were predictive of delay but occurred in so few cases as not to be useful in the model.

The data revealed two major variables in the court records that had a clear and significant relationship to case delay: the type of attorney representation, and the presence of minor children in the family. Other variables examined had very little predictive power. This model was successful in explaining 19% of the variance in delay; a large proportion of variance in delay in these cases is due to factors outside of this model, some of which are unquantifiable.

Because attorney representation was the strongest factor, it was selected as the first decision point in a case-factor model. The presence or absence of minor children was selected as the second decision point in the model. The results of using these two factors in a case-factor model is presented in Table IX.

Note that when the respondent was represented by an attor-

72. See supra Tables I & II and accompanying text.
73. See supra Table III and accompanying text.
74. * Beta weight here refers to the increase in delay time (in standardized units) for every unit increase in each of the factors in the model.
ney, delay time increased substantially. This is probably an indicator of more serious dispute. In other words, the fact that the respondent chooses to hire an attorney is a clue that some other factors—e.g., disputes over assets, suspicion of the petitioner’s intent—are operating in a particular case. Because the court records do not contain good indicators of any of these other factors, representation of the respondent by an attorney is a useful proxy for these other factors.

TABLE IX
APPLICATION OF THIS MODEL TO THIS SAMPLE

<table>
<thead>
<tr>
<th>Level #1: Attorney Representation</th>
<th>Respondent Represented by Attorney</th>
<th>Petitioner Only Represented by Attorney</th>
<th>No Attorney Present</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>225</td>
<td>139</td>
<td>112</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level #2: Minor Children</th>
<th>Presence</th>
<th>Absence</th>
<th>Presence</th>
<th>Absence</th>
<th>Presence</th>
<th>Absence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>271</td>
<td>203</td>
<td>153</td>
<td>41</td>
<td>150</td>
<td>94</td>
</tr>
</tbody>
</table>

Overall, this model, shown in Table IX, allows the categorization all 244 cases in which all the data on all the included variables are present. It allows the differentiation of cases that take a long time from very short cases. Most of the other categories and the second level of the model also show useful differentiation.

It would be possible from this data to add a third level of differentiation. However, the factors used at this level differ from category to category. For instance, in cases where the respondent is represented by an attorney and minor children are present, both the presence of a custody dispute and the year the respondent’s attorney entered the bar can further differentiate those cases that will delay the most. In other categories, factors such as the year the petitioner’s attorney was admitted to the bar and the length of the marriage also have an effect. To divide these categories further along these lines, however, would produce a less predictive model. For instance, the attorney’s bar entry date may indicate either experience or self-selection.

75. Numbers indicate mean days from filing to decree.
76. 271 days on average for cases where minor children were present and where the respondent retained an attorney.
77. 94 days for cases in which no minor children are present and in which neither side retains an attorney.
VI. Conclusion

The preliminary study identified at least two clear pieces of data routinely found in court files that can be used as indicators of case disposition time: whether the parties are represented by attorneys and whether minor children are present. The presence of these factors, either individually or in combination, indicate that cases in which they are found are likely to take longer to resolve than similar cases where they are not present. This information can be used in a differentiated case management system to distinguish between these cases that are likely to require the expenditure of court resources and those that are not.78

The study also identified two areas for future research that may identify other factors that are predictors of case disposition time. First, it would be helpful to oversample for cases that go to trial so that one could determine what, if any, factors can be used to predict this litigation. So few cases in our sample terminated with a trial that the authors did not identify factors that are likely to lead to trial.79 Second, many attorneys indicated that disputes over assets and debts, along with the concurrent problem of valuation of assets, can contribute to lengthy disposition times. Data from the files we examined seem to support this intuitively attractive position. Nonetheless, at present there is no vehicle — other than the Uniform Support Affidavit80 — for collecting this information.

Assuming the proper interest by court personnel, one could develop a data collection instrument81 that would be easy to complete that would ask litigants about general categories of personal and real property analogous to the forms required of political office holders in which ranges of assets are identified.82 If these forms had to be filled out by all litigants as a part of the initial filing or re-

78. One needs to be careful in shunting aside cases in which the parties are not represented by attorneys in the name of efficiency. It may be that such cases are most in need of court assistance to protect against overreaching by one of the parties.

79. See supra note 47.

80. See supra text accompanying notes 38-42 for limitations on using information from the Uniform Support Affidavit for determining whether assets and debts are likely to be in dispute in any particular case.

81. Probably the most useful information is that which is impossible to capture: the parties’ emotional states. Although one could design a questionnaire to get at this information, it would be imprecise and intrusive and unlikely to have much predictive value.

response, court personnel would have an immediate idea of whether substantial property was likely to be involved and in dispute.

Assuming such additional information was available in court files at an early point in each case, one could then develop a differential case management system for dissolution cases that would result in a more efficient use of limited court resources while simultaneously offering litigants the opportunity to terminate their cases quickly. Such a system would, of course, have to include an escape mechanism that would permit cases that are inappropriate for expedited procedures to be identified and, where appropriate, removed from the expedited case track. A prospective study of such a differential case management system could be conducted in which cases were randomly selected: some to be managed under the model and others, as a control, under presently existing procedures.
APPENDIX
DATA COLLECTION FORM

Please collect data for each question. Place the answers in the space provided on the right side of the page. Be sure to follow the date format indicated before each answer.

DEMOGRAPHICS:

1. Case number

2. Other related actions pending, i.e., TRO's? (y/n) ___
   a. Type and number: (describe)

3. Co-petitioners: (y/n) ___
4. Parties represented by attorneys? (a-d) ___
   a. both
   b. neither
   c. petitioner only
   d. respondent only

5. Was the petitioner the wife or husband? (h/w) ___

6. Date petition filed (MM/DD/YY) ___/___

7. Response filed (y/n) ___
   Date response filed (MM/DD/YY) ___/___

8. Date married: (MM/DD/YY) ___/___

9. Number of marriages for Petitioner ___
   Respondent ___

10. Number of minor children in this marriage? ___

CHILD CUSTODY

11. If minor children of this marriage, does petitioner seek custody? (y/n) ___

12. If minor children of this marriage, does respondent seek custody? (y/n) ___

SUPPORT

13. Was there a temporary spousal support order? (y/n) ___
   Date of order (MM/DD/YY) ___/___
   Amount of support Per month $___

14. Was there a temporary child support order? (y/n) ___
   Date of order (MM/DD/YY) ___/___
   Amount of support Per month $___
15. If there was a temporary support order, please attach a xerox copy of it. Include the case number.

16. If petitioner seeks support, indicate type and amount:
   Child support Per month $____
   Spousal support Per month $____

17. If respondent seeks support, indicate type and amount:
   Child support Per month $____
   Spousal support Per month $____

18. Did petitioner file Uniform Support Affidavit? (y/n) ____

19. DATA FROM THE UNIFORM SUPPORT AFFIDAVIT (PETITIONER):
   a. Occupation: ____
   b. Self-employed (y/n) ____
   c. Health, excellent, good, fair, poor) (e-p) ____
   d. Number of children ____
      i. Any receiving public assistance (y/n) ____
      ii. Any receiving care from CSD (y/n) ____
   e. Gross paycheck $____
      i. How often paid (from affidavit) ____
   f. Is petitioner expecting to receive other money or income (y/n) ____
      i. Amount (Total) $____
   g. Estimate of spouse’s gross income Per month $____
   h. Other income available to spouse Per month total $____
      i. Is petitioner’s spouse expecting to receive other money or income (y/n) ____
         i. Amount (Total) $____
   j. Cash deposits (Total) $____
   k. Other debts (Total) $____
   l. Grand total living expenses Per month $____
   m. Grand total expenses Per month $____
   n. Other factors: (narrative)
   o. If I pay support, I should pay:
      Child support Per month $____
      Spousal support Per month $____
      Debts Per month $____

20. Did respondent file Uniform Support Affidavit? (y/n) ____
21. DATA FROM THE UNIFORM SUPPORT AFFIDAVIT (RESPONDENT)
   a. Occupation: 
   b. Self-employed (y/n) 
   c. Health (excellent, good, fair, poor) (e-p) 
   d. Number of children 
      i. Any receiving public assistance (y/n) 
      ii. Any receiving care from CSD (y/n) 
   e. Gross paycheck $ 
      i. How often paid (from affidavit) 
   f. Is petitioner expecting to receive other money or income (y/n) 
      i. Amount (Total) $ 
   g. Estimate of spouse's gross income Per month $ 
   h. Other income available to spouse Per month total $ 
      i. Is respondent’s spouse expecting to receive other money or income (y/n) 
      i. Amount (Total) $ 
   j. Cash deposits (Total) $ 
   k. Other debts (Total) $ 
   l. Grand total living expenses Per month $ 
   m. Grand total expenses Per month $ 
   n. Other factors: (narrative) 
      o. If I pay support, I should pay: 
         Child support Per month $ 
         Spousal support Per month $ 
         Debts Per month $ 

22. Do you see any evidence of a dispute over the amount or value of the assets involved in this marriage? (y/n) 
   a. If yes, why do you say so? 

23. Do you see any evidence of a dispute over the amount or value of the debts involved in this marriage? (y/n) 
   a. If yes, why do you say so?
RESULTS

24. Was there a trial in this case? (y/n) ___
25. If "yes" to above, was the trial contested? (y/n) ___
26. Date of trial (MM/DD/YY) ___/___
27. Date decree entered (MM/DD/YY) ___/___
28. Who received custody of any minor children (p/r) ___
29. Did either party receive spousal support? ___
30. If "yes" to above, which party (p/r) ___
31. If one of the parties received spousal support, what was the amount? Per month $___
32. If one of the parties received spousal support, what was the duration of the support? (years or months) ___
33. If one of the parties received child support, what was the amount? Per month $___
34. If one of the parties received child support, what was the duration of the support? (years or months) ___
35. Is there anything that you saw in this file that you believe affected the disposition time of this case? If so, please describe.

36. Attach xerox copy of final decree (please include case number).